

AO 441 (Rev. 5/85) Third Party summons in a Civil Action

# United States District Court

## Northern District of Oklahoma

STATE OF OKLAHOMA, ex rel., et al.  
**PLAINTIFF**

v.

TYSON FOODS, INC. et al.  
**DEFENDANTS AND THIRD-PARTY PLAINTIFFS**

### THIRD PARTY SUMMONS IN A CIVIL ACTION

v.

City of Tahlequah, et al.  
**THIRD PARTY DEFENDANTS**

CASE NUMBER: 05-CV-0329-JOE-SAJ

To: **Flint Creek Farm, LLC**  
**c/o John Dowdell**  
**Norman Wohlgemuth Chandler & Dowdell**  
**401 South Boston Ave., Suite 2900**  
**Tulsa, OK 74103**

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

**PLAINTIFF ATTORNEY**

Douglas Allen Wilson  
 Melvin David Riggs  
 Richard T. Garren  
 Sharon K. Weaver  
 Riggs Abney Neal Turpen Orbison & Lewis  
 502 West 6<sup>th</sup> Street  
 Tulsa, OK 74119-1010

**DEFENDANT AND THIRD  
PARTY PLAINTIFFS  
ATTORNEYS:**

A. Scott McDaniel  
 Joyce, Paul & McDaniel PLLC  
 1717 South Boulder, Suite 200  
 Tulsa, OK 74119  
 For Peterson Farms

Robert W. George  
 Kutack Rock LLP  
 The Three Sisters Building  
 214 West Dickson Street  
 Fayetteville, AR 72701-5221  
 For Tyson Foods, Inc.

R. Thomas Lay  
 Kerr, Irvine, Rhodes & Ables  
 201 Robert S. Kerr Ave., Suite 600  
 Oklahoma City, OK 73102  
 For Willow Brook Foods, Inc.

Robert P. Redemann  
 Lawrence W. Zeringue  
 David C. Senger  
 Perrine, McGivern, Redemann, Reid,  
 Berry & Taylor, PLLC  
 P. O. Box 1710  
 Tulsa, OK 74101-1710  
 For Cal-Maine Foods, Inc.

George W. Owens  
 Randall E. Rose  
 The Owens Law Firm, P.C.  
 234 West 13<sup>th</sup> Street  
 Tulsa, OK 74119  
 For George's Inc.

John R. Elrod  
 Vicki Bronson  
 Conner & Winters, P.C.  
 100 West Center Street, Suite 200  
 Fayetteville, AR 72701  
 For Simmons Foods, Inc.

an answer to the Third-Party Complaint which is herewith served upon you within **20 days** after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Third-Party Complaint. There is also served upon you herewith a copy of the Complaint of the Plaintiff. You have the option of answering or not answering the Plaintiff's Complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the Third-Party Plaintiff is demanding judgment against you in favor of the original Plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of Plaintiff as well as to the claim of the Third-Party Plaintiff.

Phil Lombardi

Clerk

MAR 30 2006

Date

(By) DEPUTY CLERK

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## Northern District of Oklahoma

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**PLAINTIFF**

v.

TYSON FOODS, INC. et al.  
**DEFENDANTS AND THIRD-PARTY PLAINTIFFS**

v.

City of Tahlequah, et al.  
**THIRD PARTY DEFENDANTS**

To: **Hayes Family Limited Partnership**  
**c/o John Dowdell**  
**Norman Wohlgemuth Chandler & Dowdell**  
**401 South Boston Ave., Suite 2900**  
**Tulsa, OK 74103**

### THIRD PARTY SUMMONS IN A CIVIL ACTION

CASE NUMBER **05-CV-0329 JOE-SAJ**

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

#### PLAINTIFF ATTORNEY

Douglas Allen Wilson  
 Melvin David Riggs  
 Richard T. Garren  
 Sharon K. Weaver  
 Riggs Abney Neal Turpen Orbison & Lewis  
 502 West 6<sup>th</sup> Street  
 Tulsa, OK 74119-1010

#### DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEYS:

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 1717 South Boulder, Suite 200  
 Tulsa, OK 74119  
 For Peterson Farms

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 Fayetteville, AR 72701  
 For Simmons Foods, Inc.

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Phil Lombardi  
 Clerk

Date

MAR 30 2006

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 (By) DEPUTY CLERK